Summary

This section of the supplemental environmental impact statement/reevaluation (Supplemental EIS) provides a summary of new information presented in the Supplemental EIS as a result of reevaluation of the June 2000 *Legacy Parkway Final Environmental Impact Statement and Section 4(f), 6(f) Evaluation* (Final EIS) (FHWA-UT-EIS-98-02_F) (Federal Highway Administration et al. 2000). The Supplemental EIS includes a presentation of results of evaluations arising from the decision of the U.S. Court of Appeals for the Tenth Circuit, as well as reevaluation of the purpose and need for the action, the alternatives screening process, and the environmental impact analysis and proposed mitigation measures. This chapter presents a summary of that information as well as a discussion of the rationale for identification of the environmentally preferable alternatives and selection of the preferred alternative, a discussion of areas of controversy, including major issues yet to be resolved, and a listing of federal actions required to implement the Legacy Parkway project. The organization and content of the Supplemental EIS are explained in the *Foreword/Introduction* section of this document in the subsection titled *Organization of Final Supplemental Environmental Impact Statement*.

This Supplemental EIS is a supplement to the Final EIS. The Federal Highway Administration (FHWA) and the U.S. Army Corps of Engineers (Corps), as joint lead agencies, issued a notice of intent to prepare the Supplemental EIS in April 2003. It incorporates updated information as a result of the comprehensive reevaluation of the Final EIS. In some sections, information that is still valid from the 2000 Final EIS is repeated herein for context; for the most part, however, information from the Final EIS is not repeated herein. This Supplemental EIS also contains detailed information addressing issues identified in the decision of the U.S. Court of Appeals for the Tenth Circuit (*Utahns for Better Transportation et al. v. U.S. Department of Transportation et al*. [305 F.3d 1152 (10th Cir. 2002)]). The appellate court determined that the following five specific issues were in need of further review.

- Practicability of a narrower right-of-way.
- Elimination of the Denver & Rio Grande (D&RG) regional alignment as a feasible alternative based on cost and substantial impacts on existing development.
- Integration of Legacy Parkway with expansion of mass transit.
- Alternative sequencing of components of the Shared Solution.

- Impacts on wildlife.

As a result of the appellate court decision, all construction work for Legacy Parkway was halted, with the following exceptions: right-of-way acquisition, design work, certain activities related to the implementation of the Legacy Nature Preserve mitigation sites, and construction activities associated with the upgrade of the Park Lane (formerly Burke Lane) interchange in Farmington. This work continued consistent with an agreement of the parties as entered by the court.

Consistent with FHWA-specific National Environmental Policy Act (NEPA) guidance, a reevaluation of the Final EIS was conducted because construction of the project was halted as a result of the appellate court decision and over 3 years have passed since FHWA filed the Final EIS. The reevaluation process was used to determine whether any issues, in addition to the limited deficiencies identified in the appellate court decision, warranted attention in the Supplemental EIS. The Utah Department of Transportation (UDOT) applied for a modification to its Section 404 permit to reflect its current proposal to use a 50-foot median.

In preparing the Supplemental EIS, FHWA and the Corps conducted the reevaluation and developed technical memoranda to address issues identified in the appellate court decision. Public participation in developing the Supplemental EIS has included NEPA scoping, meetings of a community planning and information committee (CPIC), small group meetings, and public review of the Draft Supplemental EIS. Interagency consultation and coordination has been accomplished through meetings with the cooperating agencies: the U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and the Federal Transit Administration (FTA). The Utah Division of Wildlife Resources (DWR), EPA, and USFWS also provided representatives to participate on the science technical team, which assisted in the reevaluation of wildlife impacts. Other state, regional, and local agencies have also been consulted.

Reevaluation of Purpose of and Need for Action

The purpose of and need for the action has not changed since publication of the Final EIS. Growth projections and traffic data supporting the purpose and need have been updated, however. The purpose of the Legacy Parkway project remains as stated in Chapter 1 of the Final EIS (page 1-41). The primary purpose of the project is to provide capacity to relieve traffic congestion through the year 2020 in the North Corridor, located in Salt Lake and Davis Counties, Utah. An additional purpose of the project is to provide an alternate north-south route through the North Corridor. No alternatives were screened out based solely on not meeting the “alternate route” purpose.

Legacy Parkway is proposed, as one part of the Shared Solution, to provide part of the transportation facilities needed in the North Corridor to accommodate the safe and efficient movement of people and goods through 2020. The Shared Solution, of which Legacy Parkway is one of three major components, was developed by Utah’s state, local, and regional officials as the transportation infrastructure needed to meet future transportation demand in the North Corridor. The Shared Solution includes the following primary components; other components are described in Section 1.2.3, *Definition of the Shared Solution*, and Appendix B, *2020 Travel Demand Analysis*, of this Final Supplemental EIS.

- **Interstate 15 (I-15) improvements**. Reconstruction of I-15 in the North Corridor to address design deficiencies and widen the facility from eight to ten lanes.

- **Mass transit expansion**. Expansion of mass transit in the North Corridor, including new commuter rail or other transit technology.

- **Legacy Parkway**. Construction of a four-lane, divided, limited-access highway, including a trail for pedestrian, bicycle, and equestrian uses.

The need for Legacy Parkway remains as explained in the Final EIS. However, travel demand data for existing and future traffic conditions have been examined based on the 2004 Wasatch Front Regional Council (WFRC) travel demand model (version 3.2), and the updated analysis confirmed that all three of the Shared Solution components are needed to meet projected transportation demand in the North Corridor through 2020. Environmental documentation is proceeding on each of the three main components of the Shared Solution. An EIS for proposed commuter rail has been prepared by the Federal Transit Administration (FTA) and the Utah Transit Authority (UTA); the Final EIS was released in March 2005, and the Record of Decision (ROD) was issued in April 2005. An EIS/reevaluation for I-15 improvements is being conducted by FHWA and UDOT. This Supplemental EIS for the proposed Legacy Parkway project was prepared by FHWA and the Corps.

The updated transportation analysis presented in this Supplemental EIS is consistent with the Final EIS findings that Legacy Parkway, in combination with other projects of the Shared Solution, is needed to relieve congestion on I-15 and achieve acceptable levels of traffic operating conditions throughout the North Corridor. The transportation analysis updated for the Supplemental EIS similarly reaffirms the need documented in the Final EIS to accommodate through-corridor traffic, promote local street traffic safety and emergency vehicle response times, and provide an alternate route during reconstruction of I-15 and emergency situations.

Summary of Court Ruling Analysis

As stated above, the U.S. Court of Appeals for the Tenth Circuit determined that five specific issues presented in the Final EIS were in need of further review. Those issues are described below.

Narrower Right-of-Way

The appellate court remanded in part the Legacy Parkway Final EIS for further review to consider the practicability of a narrower right-of-way than that considered in the Final EIS. After conducting a technical analysis on right-of-way issues documented in the Legacy Parkway technical memorandum: *Right-of-Way Issues* (right-of-way technical memorandum) (HDR Engineering 2004a), it was concluded that the median width of the proposed facility could be reduced by 5 meters (m) (16 feet [ft]), resulting in a reduction in the total right-of-way width from 100 m (328 ft) to 95 m (312 ft). It was determined that this narrower median width could be used without substantially compromising the safety of the facility or the water quality function of the vegetated median. The narrower 95-m (312-ft) right-of-way width would be used for most portions of the mainline right-of-way. However, in areas where wetlands, residences, or Section 4(f) properties could be avoided by further reducing the width of the roadway footprint within the right-of-way, the footprint could be decreased to 80 m (264 ft) by reducing the buffer area to 11 m (36 ft). (See tables 2.2-1 and 2.1-2 in Section 2.1, *Right-of-Way Issues*, in this Final Supplemental EIS for information regarding the typical size of the buffer.) The Legacy Parkway build alternatives evaluated in this Supplemental EIS have been modified to reflect this narrower right-of-way width as the modified proposed action. Alternative E follows the same alignment as the Preferred Alternative in the Final EIS (referred to as Alternative D in this Supplemental EIS) but includes the narrower right-of-way.

Denver & Rio Grande Railroad Regional Corridor Alternatives

The appellate court also remanded in part the Legacy Parkway Final EIS for further review of elimination of the D&RG Railroad regional corridor as a feasible alternative based on substantial impacts on existing development and high costs. Cost data for all regional corridors was updated, and five specific alignment options within the D&RG Railroad regional corridor were evaluated to determine whether a reasonable alternative within the D&RG regional corridor could be developed. As part of this evaluation, planning-level cost estimates for the D&RG regional corridor and all the other regional corridors considered were updated. In addition, more detailed cost estimates for the specific alignments within the D&RG corridor were developed. Both sets of cost estimates were reviewed by the lead agencies. Impacts related to residential, commercial, and industrial property displacements were quantified for each D&RG alignment alternative. In addition, impacts on wetlands and communities were analyzed. The results of the more detailed reevaluation of this regional corridor, which are documented in the Legacy Parkway technical memorandum: *Denver & Rio Grande Corridor Evaluation* (D&RG technical memorandum) (HDR Engineering 2004b), reaffirm the conclusion from the Final EIS that this alternative is not reasonable or practicable for the following reasons.

- The D&RG alignments would require an extraordinary number of displacements compared to Alternative E.
- The D&RG alignments would have unreasonable impacts on community cohesion.
- The D&RG alignments would bisect service areas of two elementary schools (compared to none for Alternative E).
- The D&RG alignments would have far greater noise and visual impacts on local neighborhoods.
- The D&RG alignments would eliminate or reduce a large portion of the tax base for the City of North Salt Lake by displacing, or altering access routes to, businesses.
- The D&RG alignments would cost between $134 and $256 million more than Alternative E.

Integration of Legacy Parkway with Expansion of Mass Transit

The appellate court also addressed the integration of Legacy Parkway and mass transit as a possible reasonable alternative. In response to the court's holding, the lead agencies evaluated ways to integrate Legacy Parkway with expansion of mass transit, and the analysis is documented in *Technical Memorandum on Integration of Highways and Transit in the North Corridor* (integration technical memorandum) (Fehr & Peers 2004). A fully integrated "robust transit scenario" (referred to as *maximum future transit*) was developed as part of this analysis and used for the basis of the transit assumptions in evaluating all the build alternatives; the No-Build Alternative incorporates only those mass transit improvements included in the *Wasatch Front Urban Area Long Range Transportation Plan Update, 2004–2030* (WFRC long range plan) (Wasatch Front Regional Council 2003a). For evaluating the need for any of the other alternatives recommended, the robust transit scenario, or Maximum Future Transit Alternative, was included as part of the future baseline assumptions. The Maximum Future Transit Alternative includes physical and program-level transit improvements, such as bus rapid transit, commuter rail, and coordinated arrival times at stations for various services and modes; substantial

increases in downtown parking fares; a 50 percent reduction in transit fares; and changes in local development patterns to more transit-supportive land use patterns.

The results of the travel demand model analysis conducted as part of the reevaluation show that, even assuming that all these transit-supportive projects, programs, and land use changes were in place in the future, an alternate highway route through the North Corridor would still be needed to meet the transportation demand through 2020. Local, state, and federal transportation officials embrace many of the concepts and improvements included in the Maximum Future Transit Alternative (as developed for the integration analysis), many of which are also included in current and future plans. However, this integration analysis concludes and officials recognize that the Maximum Future Transit Alternative alone would not meet the project purpose and need.

The integration analysis also analyzed the opportunities to physically integrate the construction of the Legacy Parkway project with construction of mass transit improvements. As a result, several opportunities for integrating the construction of Legacy Parkway with expansion of mass transit have been implemented as part of the construction work completed to date or are planned for implementation in the future. Since publication of the Final EIS, the Utah Transit Authority (UTA) commuter rail project has advanced to the point that more specific information is available about the commuter rail plans, including station locations, and it is now feasible to coordinate planning efforts between the two projects.

Sequencing of Shared Solution

The appellate court remanded in part the sequencing, or order, of construction of the various major components of the Shared Solution. The sequencing issues relate to the reasonableness of either constructing Legacy Parkway after the Maximum Future Transit Alternative or constructing Legacy Parkway after both the Maximum Future Transit Alternative and I-15 reconstruction. The reasonableness questions addressed are (1) determine whether substantial expansion of mass transit could alleviate the immediacy of the need for Legacy Parkway, and (2) determine whether substantial expansion of mass transit could provide sufficient traffic congestion relief during the reconstruction of I-15, such that Legacy Parkway could be delayed further. UDOT and the lead agencies have analyzed these questions, and the results are documented in the Legacy Parkway technical memorandum: *Sequencing of the North Corridor Shared Solution* (sequencing technical memorandum) (HDR Engineering 2004c). For this analysis, various construction sequencing scenarios were developed. Scenario 1 evaluates the impacts of constructing maximum future transit first, reconstructing I-15 second, and constructing Legacy Parkway third to determine whether maximum future transit would provide sufficient congestion relief in the North Corridor to alleviate the need for Legacy Parkway or I-15 reconstruction. Scenarios 2, 3, and 4 evaluate the relative impacts of constructing maximum future transit respectively, before, concurrently with, or after constructing Legacy Parkway, with the reconstruction of I-15 last in each scenario. The sequencing analysis resulted in the following conclusions.

- Constructing maximum future transit in the North Corridor or reconstructing I-15 prior to building Legacy Parkway would delay the direct impacts on wetlands that would result from construction of Legacy Parkway for 3 to 7 years, respectively.

- Maximum future transit does not alleviate the immediacy of need for Legacy Parkway or I-15 reconstruction. Even with maximum future transit fully implemented by 2008 (and assuming transit-oriented development land use changes are in place in 2008), delaying construction of Legacy Parkway (Scenario 2) would cause substantial costs to the traveling public from 2005 to 2015. Delaying Legacy Parkway further so that maximum future transit provides the only corridor-length

alternative to I-15 during its reconstruction (Scenario 1) would cause substantial costs to the traveling public during the I-15 reconstruction period, 2008 to 2012.

- Because of high costs to the traveling public, it is not reasonable to delay construction of Legacy Parkway or reconstruction of I-15 until maximum future transit is in place. Delaying Legacy Parkway construction or I-15 reconstruction would incur additional costs to the traveling public of between $48 million and $498 million from the combined loss of time and additional energy cost in the morning and evening peak periods.

- Consistent with the Final EIS findings, it is not reasonable to reconstruct I-15 prior to building Legacy Parkway. The results indicate that I-15 would experience extreme congestion without Legacy Parkway to absorb the displaced traffic during I-15 reconstruction. Scenarios 3 and 4, which sequence Legacy Parkway construction prior to I-15 reconstruction, provide faster travel times on balance over the 10-year construction period, resulting in $498 million in lower costs to the traveling public.

The conclusions regarding sequencing were based on comparison of the impacts of the full range of sequencing combinations of the Shared Solution components. Impacts were evaluated using a range of variables, including timing of direct impacts on wetlands, costs to the traveling public, travel speeds and travel times for users of each of the Shared Solution components, air quality, construction costs, and operating and maintenance costs.

Wildlife Impacts

The appellate court's remand also stated that the lead agencies failed to adequately consider impacts on wildlife in the Final EIS by limiting the impact evaluation to habitat within a 305-m (1,000-ft) area and failing to consider impacts on migratory bird populations that use the larger Great Salt Lake Ecosystem (GSLE). In response to the court's holding, the lead agencies conducted a reanalysis of the project impacts on wildlife that expanded on the Final EIS analysis of impacts on wildlife by considering direct, indirect, and cumulative impacts on wildlife, particularly migratory species, within and beyond a 305-m (1,000-ft) project study area in the GSLE. Project impacts on wildlife were analyzed using a three-level study area: the project study area (for direct and indirect effects), a larger regional study area (for indirect and cumulative effects), and the entire GSLE area (for context and cumulative effects analysis). The following were evaluated: direct habitat loss, changes in habitat loss when combined with the natural effects of lake level change, habitat fragmentation, changes in habitat quality, habitat modification, wildlife highway mortality, human disturbance, effects on special-status wildlife, and cumulative effects.

The conclusions of the wildlife impact analysis, which are documented in *Legacy Parkway Wildlife Impacts Analysis Technical Memorandum* (wildlife technical memorandum) (Jones & Stokes 2005) and Section 4.13 of this Supplemental EIS, include the following findings.

- All the Legacy Parkway build alternatives would result in adverse direct and indirect effects and contribute to cumulative habitat loss, habitat fragmentation, and noise effects on local wildlife populations, including migratory birds.

- These impacts alone, however, would not likely affect the long-term viability of any wildlife species in the GSLE.

- Mitigation for these impacts is incorporated into the project through implementation of the Legacy Nature Preserve.

The following categories of impacts on wildlife would result from implementation of the proposed action.

- Direct habitat loss – Implementation of the proposed action would result in between 238 ha (588 ac) and 340 ha (840 ac) of direct habitat loss, depending on the alternative chosen.
- Habitat fragmentation – The proposed action would transect the matrix of wildlife habitats in the study area, where existing fragmentation is generally considered extensive.
- Habitat quality – Without mitigation measures, the proposed action would cause increases in highway runoff contaminants; no specific air quality impacts on wildlife were identified.
- Habitat modification – No adverse impacts on hydrology were identified; highway landscaping could result in both beneficial and negative effects on wildlife, particularly with use of native vegetation for artificial landscaping.
- Wildlife mortality – Road mortality of individuals of some species is likely to increase.
- Artificial light disturbance – Effects would likely be minimal.
- Highway noise disturbance – The potential masking effect of highway noise on wildlife communication is highly variable and species-specific. Distances of possible noise impacts range from less than 30 m (100 ft) to nearly 5 km (3 mi). Noise-sensitive species adjacent to the highway would likely either move away from the disturbance area or remain and adapt to the extent they are able, with some reductions in local population densities and species diversity.
- Human disturbance – Increased access for humans and domestic pets could result in habitat degradation and wildlife mortality.
- Special-status wildlife – Several protected species occur in the study area and could be affected by the proposed action.
- Cumulative effects – The proposed action would contribute to large historic cumulative effects on wildlife habitat loss, but the effects of the proposed action alone would not likely affect the long-term viability of any wildlife species.

Although the right-of-way width of the proposed action has been reduced, which resulted in a reduction of associated wetland and wildlife habitat impacts, the amount of acreage proposed for mitigation as part of the Legacy Nature Preserve was increased from 635 hectares (ha) (1,568 acres [ac]) to 849 ha (2,098 ac) after publication of the 2000 Final EIS, as reflected in the Corps 2001 Record of Decision (ROD) and permit. A portion of that additional acreage was added specifically to address impacts on wildlife. The final acreage totals were developed in coordination with USFWS and EPA during 2000.

Alternatives Considered

Chapter 3, *Alternatives,* of this Supplemental EIS contains the descriptions of the following related to the analysis of alternatives.

- **Alternatives considered in the June 2000 Final EIS**. Includes those alternatives initially considered in the Final EIS that were screened out and eliminated from detailed study and consideration, the No-

Build Alternative, and the four proposed build alternatives (A, B, C, and D [Final EIS Preferred Alternative]).

- **Additional alternatives evaluated in this Supplemental EIS process.** Includes those alternatives evaluated herein and eliminated from detailed study and further consideration, as well as Alternative E.

- **Alternative ways of implementing Legacy Parkway.** Includes using a narrower right-of-way width, integrating the construction with mass transit improvements, alternative construction sequences for Legacy Parkway with the other Shared Solution components, and alternatives without the trail component.

- **Modified build and no-build alternatives.** Includes those alternatives analyzed in detail in Chapter 4, *Supplemental Environmental Analysis*, of this Supplemental EIS.

The initial alignment screening process presented in the Final EIS considered five regional corridor alignments for Legacy Parkway: Antelope Island, Trans-Bay, Farmington Bay, Railroad (D&RG and Union Pacific Railroad [UPRR]), and Great Salt Lake. Based on the analysis in the Final EIS, four alternatives within the Great Salt Lake regional alignment (Alternatives A, B, and C, and D [Final EIS Preferred Alternative]) and the No-Build Alternative were carried forward for detailed study. All the build alternatives analyzed in the Final EIS included a trail system for pedestrian, bicyclist, and equestrian use.

This Supplemental EIS contains detailed supplemental analysis of modified Alternatives A, B, C, and E, and the No-Build Alternative. Alternative E follows the same alignment as Alternative D (Final EIS Preferred Alternative) but reflects the narrower right-of-way.

Two primary modifications have been made to the alternatives since the June 2000 Final EIS: (1) the right-of-way width has been reduced to 95 m (312 ft), with additional reductions to the project footprint, and (2) the project features have been designed and implemented to allow better integration with mass transit. Alternative D (Final EIS Preferred Alternative) has been dropped from further consideration. However, the impacts of Alternative D (Final EIS Preferred Alternative) are presented in some sections of Chapter 4 for comparison purposes to illustrate changes in impacts on resources between the Final EIS and the Supplemental EIS. The alignments of Alternatives A, B, C, and E are centered on a 95-m (312-ft) right-of-way and are depicted in Figure 3-2 in Chapter 3. Maximum future transit assumptions and additional components of the WFRC long range plan were included as part of the baseline for each build alternative considered in the Supplemental EIS.

This Supplemental EIS evaluated additional alternatives and reconsidered alternatives addressed in the Final EIS. The criteria used in the Supplemental EIS to evaluate alternatives that were considered but subsequently eliminated from detailed study included the ability of the alternatives to meet project purpose and need and the consideration of environmental factors such as impacts on wetlands; farmland; hazardous wastes sites; Section 4(f)/6(f) resources; and socioeconomic factors, including utility, business and residential displacements, other community impacts and cost.

The following alternatives were evaluated but subsequently eliminated from further detailed study in the Supplemental EIS.

- D&RG Railroad Alternatives.

- Parkway Facility Adjacent to Redwood Road Alternative.

- Redwood Road Arterial Alternatives.
- Proposed UBET Alternative.
- Maximum Future Transit Alternative.
- Ten-Lane I-15 with Reversible Lanes.
- I-15 Improvements beyond Ten Lanes Alternative.
- Legacy Parkway beyond Four Lanes.

In addition, the following alternative ways of implementing Legacy Parkway were evaluated.

- Legacy Parkway with a Narrower Right-of-Way.
- Integrating Construction of Legacy Parkway with Expansion of Mass Transit.
- Alternative Construction Sequences for the Shared Solution.
- Alternatives without Trail Component.

Revised Proposed Action

Based on the results of the reevaluation of previously considered alternatives, evaluation of newly recommended alternatives, and studies in response to the court remand, the proposed action has been modified. The modified proposed Legacy Parkway would be a four-lane, limited-access, divided highway extending 22.5 kilometers (km) (14 miles [mi]) from Interstate 215 (I-215) in Salt Lake City north to I-15 and U.S. Highway 89 (US-89) in Farmington. A multi-use trail for pedestrians, bicyclists, and equestrians would parallel the highway throughout its entire length. The proposed trail would connect to the Jordan River Trail at the southern end and the Davis County Trail system at the northern end. Alternative D (Final EIS Preferred Alternative) proposed a right-of-way width of 100 m (328 ft), which includes a 20-m (66-ft) wide median. The new proposal includes a reduced right-of-way width of 95 m (312 ft), which includes a 15-m (50-ft) wide median. The proposed action also includes program elements (funding) and physical design features to enhance the integration of construction of Legacy Parkway with expansion of mass transit.

Modified Legacy Nature Preserve

The proposed Legacy Nature Preserve, which is included as mitigation for impacts on wildlife and wetlands, has been modified since publication of the Final EIS. Although the impacts on wetlands and other wildlife habitats would be reduced from those disclosed in the Final EIS as a result of the narrower right-of-way now being proposed, the size and condition of the Legacy Nature Preserve has been enhanced. In May 2000, between publication of the Draft EIS and Final EIS, 128 ha (317 ac) were added to the original proposed 506-ha (1,251-ac) Legacy Nature Preserve to mitigate unquantified impacts on wildlife. After publication of the Final EIS and in consultation with the EPA, an additional 214 ha (530 ac) were added to the proposed Legacy Nature Preserve to address concerns related to the loss of

wetlands habitat. With these additions, the Legacy Nature Preserve incorporated in the 2001 Corps ROD and permit and presented in this Supplemental EIS encompasses 849 ha (2,098 ac) and mitigates impacts on wetlands and wildlife habitats. Although the direct impacts on wetlands would be less under Alternative E than under Alternative D (Final EIS Preferred Alternative), in accordance with its context-sensitive solutions (CSS) philosophy, UDOT continues to propose an 849-ha (2,098-ac) nature preserve because of its benefits to the environment and communities in the project area.

Habitat restoration and enhancement activities that have taken place on the Legacy Nature Preserve since the June 2000 Final EIS include removing roads, reseeding upland areas, controlling weeds, leaving berms in certain areas in the southern portion of the preserve, plugging tile drains, removing interior fences, and removing utilities. Although the Final EIS mitigation plan did not recommend wetland creation to mitigate loss of wetlands, wetland creation was discussed in concept in the mitigation plan for the ROD. These wetlands were to be created by using artesian wells to develop additional wetland hydrology in the Legacy Nature Preserve. These wells have been established, and approximately 5 ha (12 ac) of groundwater slope wetlands have been created. Other activities to be implemented that would enhance the habitat quality in the preserve include controlling human disturbance such as disallowing grazing, developing and implementing an invasive weed control plan, and managing water flows.

Reevaluation of Final EIS

Chapter 4 of this Supplemental EIS presents the results and updates of technical analyses completed as part of the reevaluation of the 2000 Final EIS. The reevaluation process is explained in the *Foreword/Introduction* and the results of the studies in response to the court remand are presented in Chapter 2, *Court Ruling Analysis*. The Supplemental EIS incorporates information obtained during the reevaluation process in Chapter 4, *Supplemental Environmental Analysis.* Table S-1 summarizes major environmental impacts for each build alternative analyzed in detail in the Supplemental EIS. For an explanation of changes that have occurred in the numbers since publication of the Draft Supplemental EIS, see the individual sections in Chapter 4, *Supplemental Environmental Analysis*. Modified versions of Alternatives A, B, and C from the Final EIS are considered in the Supplemental EIS, as well as Alternative E. Alternative D (Final EIS Preferred Alternative) was eliminated from further consideration; however, impacts for Alternative D are shown in the Supplemental EIS to facilitate comparison of the Final EIS Preferred Alternative with the modified alternatives.

Table S-1 Summary of Major Environmental Impacts by Alternative

Impact Category	Alternative A (312-ft ROW)	B (312-ft ROW)	C (312-ft ROW)	D[1] (328-ft ROW)	E (312-ft ROW)
Wetlands Affected, hectares (acres)					
Filled [2]	43 (107)	74 (182)	59 (145)	46 (114)	45 (113)
Indirectly Affected (at 328-ft right-of-way)	218 (539)	409 (1,011)	367 (907)	233 (575)	233 (575)
Upland Wildlife Habitat within Right-of-Way, hectares (acres)	195 (483)	262 (647)	189 (466)	283 (699)	186 (458)
Total Property Displacements	116	78	22	28	28
Residential Relocations	17	14	5	4	4
Business Relocations	16	10	9	14	14
Farmstead Relocations	0	2	0	0	0
Horse Paddock Relocations	16	16	8	10	10
Platted Lots Displaced	67	36	0	0	0
Noise (Number of Residences Affected, including Platted Lots)	486	250	203	431	431
Bisection of Local Communities – Approximate Hectares (Acres) of Developable Uplands West of Alternative Alignments[3]	1,264 (3,123)	844 (2,086)	944 (2,332)	1,125 (2,779)	1,125 (2,779)
Archaeological Resources	2	3	2	2	2
Historic Resources	2	2	2	2	2
Section 4(f)/6(f) Impact Area, hectares (acres)					
4(f) Area	4.9 (12.2)	21.7 (53.4)	8.5 (21.2)	6.3 (15.7)	4.9 (12.2)
6(f) Area	0.3 (0.8)	1 (2.5)	0.3 (0.8)	0.3 (0.8)	0.3 (0.8)
Farmland Lost, hectares (acres)					
Prime	9 (23)	36 (88)	11 (28)	13 (31)	11 (27)
State-important	0 (0)	1 (2)	0 (0)	0 (0)	0 (0)
Cost	$479,929,000	$547,500,000	$470,050,000	$439,538,000	$436,078,000

Notes:

[1] Previously proposed Alternative D is presented for comparison purposes only.

[2] Acreages shown represent the total acreage of wetlands within the right-of-way. However, the actual acreage of wetlands that would be directly filled is estimated to be about 3 to 4 ha (8 to 10 ac) less under Alternatives A and E. A similar reduction could be expected for Alternatives B and C due to design flexibility.

[3] The approximate acreage of developable uplands west of each alternative alignment (above the 4,212 elevation) is based on summary information derived from Tables 4.10b through 4.10f of the Final EIS. This information represents the *relative* impacts of each alternative on community cohesion; the amount of upland area west of a given alignment down to the FEMA floodplain elevation indicates the area that would be separated from established community infrastructure and public service resources.

Identification of Environmentally Preferable Alternatives

Whenever an EIS has been prepared, the Council on Environmental Quality (CEQ) NEPA regulations require that the Record of Decision identify all alternatives that were considered, "…specifying the alternative or alternatives which were considered to be environmentally preferable." Ordinarily, the environmentally preferable alternative(s) is the alternative that causes the least damage to the biological and physical environment, but it should also reflect the alternative(s) that best protects, preserves, and enhances historic, cultural, and natural resources. The FHWA Technical Advisory defines the environmentally preferable alternative(s) as the alternative that "…causes the least damage to the biological and physical environment" (40 CFR 1505.2[b]). As defined in the CEQ NEPA regulations, biological and physical environmental effects include ecological, aesthetic, historic, cultural, economic, social, and health effects, whether direct, indirect, or cumulative (40 CFR 1508.8).

Alternatives B and C would both have substantially more impacts on wetlands than Alternatives A and E. Alternative B would result in 74 ha (182 ac) of direct filling of wetlands, and Alterative C would result in 59 ha (145 ac) of direct filling of wetlands—which is between 28 and 70 percent more than Alternatives A and E. In addition, Alternative B would require a larger use of Section 4(f)/6(f) properties than Alternatives A and E; Alternative B would result in use of 21.7 ha (53.4 ac) of Section 4(f) property and 1 ha (2.5 ac) of Section 6(f) property, compared to 4.9 ha (12.2 ac) of Section 4(f) property and 0.3 ha (0.8 ac) of Section 6(f) property under Alternatives A and E. Alternative B would also have the greatest impact on prime farmland, affecting 36 ha (88 ac), followed by Alternative C, which would affect 11 ha (28 ac) of prime farmland. Alternatives A and E would affect 9 ha (23 ac) and 7 ha (17 ac), respectively, of prime farmland. As a result, for purposes of NEPA, Section 4(f) of the U.S. Department of Transportation Act, and the Clean Water Act, neither Alternative B nor C qualifies as environmentally preferable (Table S-1).

Among the alternatives that would meet the project purpose and need, Alternatives A and E are considered the environmentally preferable alternatives, compared to Alternatives B and C, because Alternatives A and E would have far fewer impacts on wetlands and sensitive wildlife habitats, would use less Section 4(f)/6(f) property, and would result in less loss of acreage of prime farmland. This conclusion is consistent with input received from the U.S. Environmental Protection Agency (EPA) during coordination with cooperating agencies (letter from U.S. Environmental Protection Agency dated March 17, 2005 in Volume 2, Section 3).

Basis for Selection of Preferred Alternative

The U.S. Department of Transportation NEPA implementing regulations require that alternative courses of action be evaluated and decisions made, including identification of a Preferred Alternative, in the best overall public interest based on a balanced consideration of the following factors: the need for safe and efficient transportation; the social, economic, and other environmental impacts of the proposed transportation improvement; and national, state, and local environmental protection goals (23 CFR 771.105[b]). In accordance with 23 USC 109(h), FHWA must ensure that the final decisions on a project consider the need for fast, safe, and efficient transportation, public services, as well as the following effects (23 USC 109[h]).

- Air, noise, and water pollution.
- Destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services.
- Adverse employment effects, and tax and property values losses.
- Injurious displacement of people, businesses and farms.
- Disruption of desirable community and regional growth.

Alternative E has been selected by the federal lead agencies as the Preferred Alternative for the Legacy Parkway project. Alternative D, the Final EIS Preferred Alternative, follows the same alignment as Alternative E; however, Alternative D was eliminated from further consideration in the Supplemental EIS in favor of Alternative E, which reflects a narrower right-of-way and a narrower roadway footprint, and identifies design elements that allow for integration with mass transit. Overall, Alternatives A and E would result in similar impacts on the natural environment. However, in evaluating the relative environmental impacts of Alternatives A and E, there would be tradeoffs among types of impacts. Alternative E was selected as the Preferred Alternative because it would have substantially fewer impacts on the physical environment: fewer total property displacements; fewer residential, business, and horse paddock relocations; fewer residences affected by noise and visual impacts; less impact related to disruption of community cohesion; less impact on upland wildlife habitat; less impact on prime farmland; and lower overall cost (Table S-1).

Identification and selection of Alternative E as the Preferred Alternative recognizes that Alternative E resulted from an ongoing process of planning and analysis that adjusted the alternative alignments to minimize and avoid adverse biological and physical environmental effects. In accordance with 40 CFR 1508.8, the federal lead agencies selected the Preferred Alternative after considering direct, indirect, and cumulative effects on ecological resources (natural resources and the components, structures, and functioning of affected ecosystems); aesthetic, historic, and cultural resources; economic and social resources, including community impacts and relocations; and public health.

As explained in the 2000 Final EIS and again herein, the alignment for the Locally Preferred Alternative (LPA), as identified in the original 1998 Legacy Parkway Draft EIS, was located farther west to allow more land to be available for development in Davis County. This original LPA, which was reflected in local and regional transportation plans, would have resulted in the direct fill of 59 ha (147 ac) of wetlands. After the 1998 Draft EIS was circulated for public comment, the Corps notified FHWA and UDOT that it could not issue a Section 404 permit for the LPA because reasonable alternatives were available that would have less impact on wetlands. Between publication of the 1998 Draft EIS and the 2000 Final EIS, the federal lead agencies worked with UDOT and other state and local officials to adjust the alignment to the east to identify an alignment that would minimize wetlands impacts and meet the needs of the local communities. The Preferred Alternative identified in the 2000 Final EIS resulted from the Corps' coordination with local agencies and transportation officials, and reduced wetland impacts by 13 ha (33 ac). Alternative E in the Supplemental EIS follows the same alignment as the Preferred Alternative selected in the 2000 Final EIS. As a result of the reanalysis that occurred as part of this Supplemental EIS/Reevaluation, the project proposal now results in fewer impacts on wetland resources, based on a reduced right-of-way width and further reduced roadway footprint, and includes a larger mitigation preserve than proposed in the June 2000 Final EIS. Overall, the project as it is now proposed would result in reduced environmental effects compared to the project proposed in the June 2000 Final EIS.

Areas of Controversy

The proposed action generated considerable public interest. Differences of opinion expressed during the preparation of and subsequent litigation on the Final EIS were discussed during the Supplemental EIS scoping process, including at CPIC meetings and small group meetings. Local elected officials from Davis County and agency representatives spoke in favor of the project. Officials representing local governments in the project area also expressed support for the project, although they expressed concern that the more eastern alignments might bisect local communities.

Contrasting opinions were expressed by individuals and nongovernmental organizations that called for reconsideration of expediting nonroadway alternatives, such as prioritizing mass transit and promoting transit-oriented development solutions in the North Corridor. Environmentally oriented nongovernmental organizations and some transit proponents challenged the need for additional highway capacity in the North Corridor. Utahns for Better Transportation (UBET) proposed a lower speed, arterial boulevard-type facility, as opposed to a limited-access parkway facility. Some commenters also expressed interest in developing the Legacy Nature Preserve, which is proposed as mitigation, as a stand-alone project without the highway. This Supplemental EIS reflects adjustments made in response to many comments and provides responses to remaining comments from the public and other agencies.

Major Unresolved Issues

There are no remaining major unresolved issues with government agencies.

Required Federal Actions

The lead agencies and cooperating agencies will use this Supplemental EIS to support subsequent approvals and permitting decisions. Based on information presented in the Supplemental EIS, FHWA will make a decision on UDOT's request to connect the proposed Legacy Parkway to I-215 and I-15. FHWA will publish a Record of Decision on the proposed action.

Concurrent with the release of the Draft Supplemental EIS, UDOT applied for a modification to its Section 404 permit related to the narrower right-of-way of the proposed action. The Corps intends to evaluate the request to modify the Section 404 permit based on the updated and additional information presented in this Final Supplemental EIS. The Corps will conduct its Section 404(b)(1) analysis and publish a separate Record of Decision.